IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

LA.App..No. 109 of 2003()

LAR.157/1996 of II ADDL.SUB COURT,TRIVANDRUM
.....

APPELLANT: RESPONDENT

STATE OF KERALA

BY GOVERNMENT PLEADER SRI.MANOJ

RESPONDENTS: CLAIMANT

VIKRAMAN, ANANTHARAMAN, KOTTARATHIL,
VARUVILAKATH, MOOLAYIL VEEDU.

BY ADV. SRI.P.SANKARANKUTTY NAIR
SRI.T.V.AJAYAKUMAR
SRI.K.SANDESH RAJA
SMT.M.SONA
SRI.K.P.SURESHKUMAR (TRIVANDRUM)

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 05/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & K.T.SANKARAN,JJ.

L.A.A.No.109 of 2003

Dated this the 5th day of March, 2007

JUDGMENT

Kurian Joseph,J.

This appeal is directed against the judgment and decree in L.A.R.No.157/1996 on the file of the Sub Court, Thiruvananthapuram. The purpose of acquisition is for doubling railway line. Section 4(1) notification was issued on 15-4-1993. The land was taken possession on 5-1-1996. The Land Acquisition Officer fixed the land value at the rate of Rs.72040/- per Are and an award was passed on 15-12-1995. The reference court fixed the land value at Rs.98800/- per Are. The extent of land is only 92 Sq.Metres. The claimant relied on Ext.A1 document executed on 28-11-1990. However, it was found that the property referred to in Ext.A1 is situated in a more important locality. But taking note of the fact that the acquired property is also situated in an important locality, though not as important as the location of the property referred to in Ext.A1, and the further fact that Ext.A1 is almost 2½ years prior to Section 4(1) notification, the reference court

reduced 20% of the value of Ext.A1 for the purpose of fixing the market value of the acquired property.

2. Having heard the learned Government Pleader extensively and also counsel for the respondent we do not find any material to take a different view. There was no evidence on the part of the appellant. The fixation is having regard to all the relevant facts and materials. We agree with the reasoning and the finding of the reference court. The appeal lacks merit. It is accordingly dismissed.

(KURIAN JOSEPH, JUDGE)

(K.T.SANKARAN, JUDGE)

ahg.

KURIAN JOSEPH &
K.T.SANKARAN, JJ.

L.A.A.No.109 of 2003

JUDGMENT

5th March, 2007